

Atty. Dkt. No. 070191-0286 (31-CD-5666)

### REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claims 1-5, 8-14, and 16-38 are now pending in this application.

### CLAIM REJECTIONS – 35 U.S.C. § 102

In Section 4 of the Office Action, the Examiner rejected Claim 18 under 35 U.S.C. § 102(e) as being anticipated by Renegar (U.S. Patent No. 6,024,571). Applicants respectfully submit that claims 18 is not anticipated by Renegar.

With regard to independent Claim 18, the Examiner has rejected Claim 18 based on the fact that Renegar discloses “accessing a first medical statement from a statement library the first medical statement including a first grammatical characteristic identifier; accessing a second medical statement from the statement library the second medical statement including a second grammatical characteristic identifier; accessing the grammatical characteristic identifiers of the first and second medical statements.” To this assertion, Applicants respectfully disagree. Renegar does not disclose or teach the use of grammatical characteristic identifiers in medical statements. Grammatical characteristic identifiers identify what part of speech or grammatical characteristic that the statement represents. “hospital,” “doctor,” “arm,” “stomach,” “injection,” “X-ray,” “fever,” etc. are not grammatical characteristic identifiers, rather those are descriptive words used to aid in communicating a medical condition, etc. A grammatical characteristic identifier may be an identifier of the part of speech, such as, but not limited to, noun, verb, adjective, etc. Renegar states that the entries or listings of words comprise verbs, adjectives, nouns, etc., but Renegar does not teach that there is any actual grammatical characteristic identifier associated with each of the words. Renegar simply says that the list comprises words

Atty. Dkt. No. 070191-0286 (31-CD-5666)

which are verbs, nouns, etc. Following such reasoning, Renegar also does not disclose accessing medical statements with such identifiers included therein and further does not provide for assembling the medical statements into a clinical report text according to the grammatical characteristic identifiers because there are no identifiers to access. Thus, independent Claim 18 is not anticipated by Renegar. Therefore, Applicants respectfully request that Claim 18 and its dependent claims be allowed.

In Section 6 of the Office Action, the Examiner rejected Claims 26-29 under 35 U.S.C. § 102(e) as being anticipated by Drucker et al. (U.S. Patent No. 6, 292,796). Applicants respectfully submit that Drucker et al. does not disclose or teach a method of generating a clinical report through a computer user interface that includes, among other limitations “providing to the user access to a plurality of filtered medical statements based on the first medical statement, the filter being based on at least one of a grammatical characteristic of the first medical statement, a keyword, an acronym, and a grouping identifier.”

What is taught by Drucker et al. is access to references based on keyword searching or based on a clinical report. What is not taught by Drucker et al. is that a plurality of filtered medical statements is generated. Drucker et al. does not teach the selection of a first medical statement from a medical statement library. A medical statement library is not disclosed in Drucker et al. Drucker et al. teaches a body of medical literature that may be accessed, not a medical statement library that statements can be selected from. Also, Drucker et al. does not provide access to a plurality of “filtered medical statements.” What is filtered in Drucker et al. is a list of medical literature references based on the query. This is different than medical statements from a medical statement library. Further, Drucker et al. does not disclose, teach, or suggest “selecting a second medical statement from the plurality of filtered medical statements.” Drucker et al. only teaches accessing a medical reference from the list of references generated from the query. Accordingly, Applicants respectfully submit that Drucker et al. does not teach all of the claim limitations of independent Claim 26. Thus, Applicants respectfully request that independent Claim 26 and its dependent claims be allowed.

Atty. Dkt. No. 070191-0286 (31-CD-5666)

In Section 8 of the Office Action the Examiner rejected claims 30-35 under 35 U.S.C. § 102(b) as being anticipated by Barnhill et al. (U.S. Patent No. 5,769,074). Applicants respectfully disagree that Barnhill et al. anticipates claims 30-35.

With regard to independent Claim 30, Applicants respectfully submit that Barnhill et al. does not disclose or teach “generating a plurality of medical statements from a statement library based on clinical measurements, at least some of the medical statements in the statement library being associated with a diagnostic predictor.” The use of diagnostic predictors in a statement is not disclosed or taught by Barnhill et al. A diagnostic predictor may be a predictor of perioperative risk or some other diagnosis prediction based on the symptomatic factors. What is described and shown in Barnhill et al. and referred to by the Examiner at column 7, lines 7-11 is the data that may be used to diagnosis disease is being used to train a neural network to determine perioperative risk or some other diagnosis predictor. This is not a generation of medical statements, nor is it a generation of medical statements with an associated diagnostic predictor. Further, Barnhill et al. does not disclose or teach a statement library. The information in the figures 6-9 is data used to train the neural network, not medical statements as claimed by Applicants. Accordingly, Applicants respectfully submit that independent Claim 30 is not anticipated by Barnhill et al. as diagnostic predictors are not taught by Barnhill et al. Thus, Applicants respectfully request that independent Claim 30 and its respective dependent claims be allowed.

#### **Claim Rejections – 35 U.S.C. § 103**

In section 10 of the Office Action the Examiner rejected claims 1-2, 8-9, 10-11, 16-17, and 36-38 under 35 U.S.C. § 103 as being unpatentable over Goltra (U.S. Patent No. 5,823,949) in view of Chin et al. (U.S. Patent Application Publication No. 2001/0029455).

With regard to independent Claim 1, independent Claim 1 recites “associating a part of speech attribute with a plurality of statements.” The Examiner indicates that “Chin discloses a

Atty. Dkt. No. 070191-0286 (31-CD-5666)

method of organizing a statement library comprising: associating a part of speech attribute with a plurality of statements (part-of-speech tags; column 14, paragraphs 0237 and 0241), to check to see if any unlikely tag sequences are detected.” Chin et al. does not disclose, teach, or suggest associating parts-of-speech with a plurality of statements for the purpose of organizing a statement library. Chin et al. teaches determining parts-of-speech for specific words when translating foreign language text. Not only does Chin et al. not teach the claim limitation, but there is no logical connection between Chin et al. and Goltra to arrive at the combination of limitations recited in claim 1. Thus, there is no motivation for the combination of Goltra and Chin et al. Further still, Goltra does not disclose, teach, or suggest a method of organizing a statement library. Goltra teaches a method of prompting healthcare professionals to input medical findings into a medical chart. Applicants recite, in claim 1, a method of organizing a statement library, which can be used by healthcare providers, the use of which is greatly improved because of the way in which it is organized. Accordingly, the teachings of Goltra are significantly different than what is recited in claim 1. Applicants respectfully request that independent Claim 1 and its dependent claims be allowed.

With regard to independent Claim 10, Applicants respectfully submit that the combination of Chin et al. and Goltra is not proper in that there is no logical reason for combining the two references for creating a “method of interacting with a cardiographic statement library.” Neither of the references discloses a cardiographic statement library, accordingly, the problems associated with a cardiographic statement library are not disclosed. Further, one of ordinary skill in the art of cardiographic statement libraries would not be motivated to look in language translation literature to solve the problems associated with interacting with cardiographic statement libraries. Accordingly, there is no motivation or suggestion to combine the Chin et al. and Goltra references to arrive at Applicants invention recited in claim 10. Thus, Applicants respectfully request that independent Claim 10 and its dependent claims be allowed.

With regard to independent Claim 36, Applicants respectfully submit that the combination of Chin et al. and Goltra is not proper in that there is no logical reason for

Atty. Dkt. No. 070191-0286 (31-CD-5666)

combining the two references for creating a "method of searching a cardiographic statement library." Neither of the references discloses the use of a cardiographic statement library, accordingly, the problems associated with searching a cardiographic statement library are not contemplated. Further, one of ordinary skill in the art of cardiographic statement libraries would not be motivated to look in language translation literature to solve the problems associated with searching cardiographic statement libraries. Accordingly, there is no motivation or suggestion to combine the Chin et al. and Goltra references to arrive at Applicants invention recited in claim 36. Thus, Applicants respectfully request that independent claim 36 and its dependent claims be allowed.

In Section 11 of the Office Action the Examiner rejected claims 3-5 and 12-14 under 35 U.S.C. § 103 as being unpatentable over Goltra in view of Chin et al. and further in view of Drucker.

Applicants respectfully submit that claims 3-5 and 12-14 depend from claims 1 and 10 and are allowable for at least the same reasons (among others) that claims 1 and 10 are allowable. Accordingly, Applicants request that the rejection of claims 3-5 and 12-14 be withdrawn.

In Section 12 of the office Action the Examiner rejected claims 19-25 under 35 U.S.C. § 103 as being unpatentable over Renegar in view of Goltra.

Applicants respectfully submit that claims 19-25 depend from claim 18 and are allowable for at least the same reasons (among others) that claim 18 is allowable. Accordingly, Applicants request that the rejection of claims 19-25 be withdrawn.

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Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

Atty. Dkt. No. 070191-0286 (31-CD-5666)

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date

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By

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